

REMARKS

The foregoing amendments and these remarks are responsive to the Office Action mailed July 14, 2004 in connection with the above-identified application.

Claim Rejections 35 U.S.C. § 112

In the Action, claims 7, 8 and 11 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written requirement. Claims 7 and 8 were rejected because they set forth a limitation of a “pressurized wheel hub aperture,” which the Examiner stated has no support in the specification. In the foregoing amendments, the Application has amended the limitation of a “pressurized wheel hub aperture” to read --closed air space-- which limitation is fully supported by the original specification and claims.

Claim 11 was rejected because the limitation of a “polished ring” was set forth which the Examiner stated has no support in the specification. In the foregoing amendments, the Applicant has amended the limitation of “polished ring” to read --polished sleeve-- as described in the original specification at page 11, line 7. This amendment serves to conform the language of the claim to the language of the original specification as filed, no new matter is presented.

Claims 6-8 were rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim that which the Applicant regards as his invention. The Examiner indicated that claim 6 was indefinite due to the fact that it was

unclear which is being claimed by the phrase “defined as a pneumatic chamber annular coaxially disposed.” In response to the Examiner’s rejection, the Applicant has amended claim 6 to read “defined as an *annular* pneumatic chamber *which is* coaxially disposed along an end of said axle . . .” The Applicant believes that the instantly amended claim 6 satisfies the requirements of 35 U.S.C. § 112, second paragraph.

Claim 8 has been canceled in the foregoing amendments.

The grounds for rejection of claim 7 under 35 U.S.C. § 112, second paragraph, were addressed above in connection with the rejection of claim 7 rejection of claim 7 under 35 U.S.C. § 112 first paragraph.

The Applicant submits that the foregoing satisfies all requirements under 35 U.S.C. § 112, and respectfully requests reconsideration and withdrawal all rejections under 35 U.S.C. § 112.

Claim Rejections 35 U.S.C. § 103

In the Action, claims 1 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb, U.S. Patent No. 6,260,505 Eberle U.S. Patent No. 3,226,162, in view of Stephens, U.S. Patent No. 3,064,982. Claims 2-5 and 7-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb in view of Stephens, and in further view of Hunt, U.S. Patent No. 4,924,697.

In support of the above-noted rejection, the Examiner states that “Cobb shows a pressurized wheel hub.” In fact, it does not, but rather discloses a *sealed conduit* which

passes through an unsealed, non-pressurized wheel hub.

Cobb states:

In the preferred embodiment, the axle includes a housing 20 with an *internal conduit 22* that routes air from the inflation system 14 through the axle housing 20.

A hub 24 is rotatably mounted on an end of the axle 12 with bearings 26. (Column 2, lines 39-43)

A plug 32 is inserted into one end of the axle 12 to seal an end of the *air supply conduit 22*. A hub cap 34 is installed on the wheel hub 24 and includes a *passageway extending through* the body of the hub cap 34. The inflation system 14 supplies air *through the air supply conduit 22* through the passageway in the hub cap 34 to the vehicle tires 16. (Column 2, lines 51-56)

The Applicant respectfully submits that Cobb does not teach the use of a pressurized wheel hub, and that the inclusion of a sealed passageway which extends through a hub cannot be construed to suggest that the hub itself is sealed and pressurized.

The Applicant submits that the use of Cobb as prior art under 35 U.S.C. 103(a) is improper, and that the above-noted proposed combinations based on the Cobb reference do not render Applicant's claims *prima facie* obvious because, contrary to the Examiner's's assertion, they would not include a sealed pressurized wheel hub. To further set forth the differences between the Cobb reference and the instant invention, the Applicant has limited claim 1 to the use of the pressurized wheel hub on trailers and

the means for pressurizing the wheel hub. In the of the foregoing, the Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) of claims 1-7 and 9-10.

Objections to the Specification

In the Action, the Examiner objected to the specification because of grammatical informalities. In the foregoing amendments, the Applicant has amended the specification to meet all requirements.

Prior Art Made of Record

The Applicant has reviewed the prior art made of record and not relied upon. The Applicant respectfully submits the present invention is patentable thereover.

Objections to the Drawings

The drawings were objected to under 37 CFR 1.83(a) because the drawings must show every feature of the invention specified in the claims. Specifically, the “color coded dial face” set forth in claim 5 was required to be shown or canceled from the claims. In response to the Examiner’s objection, the Applicant encloses herewith a proposed corrected drawing figure 2 (labeled “Replacement Sheet”) showing color coded dial face as disclosed by the Applicant in the claims and disclosure of the in the application as filed. No new matter is presented.

The drawings were also objected to for failing to comply with 37 CFR 1.84(p)(4) because the reference character 18 has been used to designate both the outer bearing and

the axle. In response to the Examiner's objection, the Applicant encloses herewith proposed corrected drawing Figure 1 (labeled "Replacement Sheet") showing reference character 18 designating the axle only.

The drawings were further objected to as failing to comply with 37 CFR 1.84(p)(5) because the reference numbers 19 and 52 were not mentioned in the description. The Examiner stated that corrected drawings sheets or appropriate amendments to the specification were required. In response to the Examiner's objection, the Applicant in the foregoing amendments has amended the specification to include "19" in reference to the outer bearing assembly (page 10, line 21) and "52" in reference to the car battery (page 8, line 20).

The Applicant believes the foregoing amendments and replacement drawings satisfy all objections under 37 CFR 1.84, and requests reconsideration and withdrawal of the above-noted objections.

Double Patenting Rejection

The Examiner provisionally rejected claims 1, 2, and 3-4 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 5-6 of Applicant's co-pending Application No. 10/376,756. The Examiner stated that a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome an actual or provisional rejection. In response to the provisional rejection, the Applicant submits herewith the required terminal disclaimer and the fee

required under 37 CFR 1.20(d).

New Claim

The Applicant's has added new claim 12 inclusive of elements originally set forth in canceled claim 8. No new matter is added.

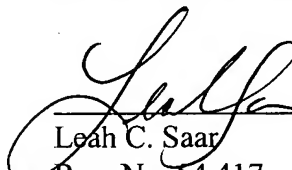
Conclusion

The Applicant respectfully submits that the application now stands in condition for allowance. The Examiner is requested to telephone the undersigned in order to discuss any further objections, allowing Applicant to expedite a response.

Respectfully submitted,

MCHALE & SLAVIN, P.A.

10/14/04
Date


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1 **Amendments to the Drawings**

- 2 Please substitute the enclosed two sheets containing drawing figures 1 and 2
- 3 (labeled “Replacement Sheets”) for the drawing figures 1 and 2 as filed.